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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,628	01/07/2004	Rajendra K. Shah	60,246-301; 10,832	5972
26096	7590	01/20/2006	EXAMINER	
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			KASENGE, CHARLES R	
			ART UNIT	PAPER NUMBER
			2125	

DATE MAILED: 01/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/752,628	SHAH ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Charles R. Kasenge	2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 July 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 07 January 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION*****Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Ehlers et al. 6,216,956. Regarding claim 1, Ehlers discloses a control for an HVAC system (col. 7, lines 45-52) comprising: a central control for receiving information from each of a plurality of HVAC units, said central control being operable to receive information about characteristics of the plurality of HVAC units (col. 34, lines 32-50), and to access a memory of control algorithms associated with the particular combination of characteristics of the plurality of HVAC units that report to the control, and said central control being operable to control the plurality of HVAC units (col. 19, lines 14-51).

Regarding claims 2-6, 16 and 17, Ehlers discloses the control as set forth in claim 1, wherein said central control includes a microprocessor control (col. 5, lines 53-67). Ehlers discloses the control as set forth in claim 1, wherein said central control is in a thermostat (col. 2, lines 42-51). Ehlers discloses the control as set forth in claim 1, wherein said memory that is accessed to provide a control algorithm, stores control algorithms for a plurality of combinations of reporting HVAC units, and wherein said central control is operable to select particular control algorithms associated in said memory with a particular arrangement of reporting characteristics from a plurality of HVAC units (col. 19, lines 14-51). Ehlers discloses the control as set forth in claim 1,

wherein said information about characteristics of said plurality of reporting HVAC units comes to said central control over a single data bus (col. 5, lines 62-67). Ehlers discloses the control as set forth in claim 1, wherein said characteristic information includes information on the size of said plurality of HVAC units (col. 27, lines 49-59).

Regarding claims 7, 8 and 19, Ehlers discloses an HVAC system comprising: an indoor unit having a control operable to communicate characteristic information of said indoor unit to a central control (col. 5, lines 53-67); and said central control communicating with said indoor unit, and said central control receiving said characteristic information from said indoor unit, and determining an optimal control strategy for said indoor unit based upon said reported characteristic information (col. 19, lines 14-51). Ehlers discloses the system as set forth in claim 7, further including an outdoor unit having a control operable to communicate characteristic information of said outdoor unit to said central control (col. 4, lines 11-16).

Regarding claims 9-15, 18 and 20, Ehlers discloses the system as set forth in claim 8, wherein said central control is mounted on a unit other than said indoor and outdoor units (col. 5, lines 53-67). Ehlers discloses the system as set forth in claim 9, wherein said central control is mounted in a thermostat (col. 2, lines 24-51). Ehlers discloses the system as set forth in claim 8, wherein said central control also receives characteristic information from auxiliary equipment (col. 7, lines 45-52). Ehlers discloses the system as set forth in claim 11, wherein said central control receives characteristic information from a ventilation device (col. 7, lines 45-52). Ehlers discloses the system as set forth in claim 11, wherein zoning controls provide characteristic information to said central control (col. 32, lines 30-47). Ehlers discloses the system as set forth in claim 11,

wherein said control receives characteristic information from a connectivity kit (col. 5, lines 62-67). Ehlers discloses the system as set forth in claim 8, wherein said central control receiving said characteristic information, and accessing a stored memory wherein various control algorithms are stored based upon particular combinations of indoor and outdoor units, and said central control utilizing said associated optimum control algorithms based upon the communicated characteristic information of said indoor and outdoor units (col. 19, lines 14-51).

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R. Kasenge whose telephone number is 571 272-3743. The examiner can normally be reached on Monday through Friday, 8:30 - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CK

January 16, 2006

A handwritten signature consisting of the initials "L-P." followed by a stylized surname.

LEO PICARD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100